

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By way of this Amendment, the subject matter recited in Claim 1 has been incorporated into Claim 22, the subject matter set forth in Claim 18 has been added to Claim 23, and the subject matter recited in Claim 21 has been added to Claim 24. In addition, Claims 1, 18 and 21 have been canceled. Thus, the claims currently at issue in this application are Claims 2-5, 17, 19, 20 and 22-31, with Claims 22, 23 and 24 being the only independent claims.

The most recent Official Action maintains the rejection of the independent claims in this application based on the disclosure contained in U.S. Patent No. 5,642,636 to *Mitsui*.

The prior response pointed out that Claims 1 and 18 recite the way in which the inside lever rotates into contact with the open link and rotates out of contact with the open link. It was also explained that the rod 29/lever 33 arrangement disclosed in *Mitsui*, which was said to correspond to the claimed inside lever, does not both move into contact with the moving bar 26 (which was said to correspond to the claimed open link) and out of contact with the moving bar 26. In the most recent Official Action, the Examiner observed that the inner lever 29/33 only contacts the open link 26 at the opposite ends of the slot 28 in the open link 26 and so it can be said that the inner lever 29/33 rotates into contact with the open link 26 and rotates out of contact with the open link 26. It would seem, however, that unless the left end 30 of the rod 29 somehow remains exactly centered within the slot 28 along its entire extent of movement between the opposite ends of the slot 28, a possibility not

described in *Mitsui*, the end 30 of the rod 29 will contact the inner periphery of the slot 28 as the rod 29 will rest along the bottom surface of the slot 28. Indeed, there is no disclosed structure to prevent this.

Nevertheless, as noted above, Claim 22 has been amended to include the subject matter recited in independent Claim 1, and Claim 23 has been amended to include the subject matter recited in independent Claim 18. In addition, those claims have been amended to recite that the open link is shiftable between the unlocked position and the locked position independent of rotation of the inside lever. It is apparent from the disclosure in *Mitsui* that the movement of the open link 26 between the unlocked position and the locked position only occurs when the inside lever 29, 33 is moved. That is, the open link 26 cannot be shifted from the UNLOCK position to the N or UNLOCK position unless the inside lever 29/33 is rotated. Thus, independent Claims 22 and 23 are distinguishable over the disclosure contained in *Mitsui*.

The prior response also pointed out how Claim 21 recites that the rotation of the rotary gear member resulting from operation of the electric driving source moves the swing lever to shift the open link from the unlocked position to the locked position without causing rotation of the unitarily rotatable element. As was explained in the prior response, in *Mitsui*, the rotation of the rotary gear member resulting from operation of the electric driving source does not shift the open link from the unlocked position (UNLOCK) to the locked position (LOCK or N). Indeed, the rotation of the segment gear 48 merely results in unlatching operation of the ratchet 8.

The most recent Official Action responds to this observation by pointing out that Fig. 10 of *Mitsui* shows the open link in the unlock position. The Official Action

goes on to explain that from this position, the open link 26 will move towards the left and will not cause rotation of the element 35. It would appear that this position is somewhat inconsistent with other positions taken in the Official Action.

First, on page five, lines 10 and 11 of the most recent Official Action, it is said that when the element 33 disclosed in *Mitsui* is at the UNLOCK position, the open link 26 is in the unlocked position, and when the element 33 is at the LOCK and N positions the open link 26 is in the locked positions. In Fig. 10 of *Mitsui*, the element 33 is in the N position which, consistent with the observation at page five, lines 10 and 11 of the most recent Official Action, is the *locked* position. However, in the comments on page 10 of the Official Action addressing Claim 21, the Official Action states that Fig. 10 of *Mitsui* shows the open link 26 in the *unlocked* position. There is thus an inconsistency in the position set forth in the Official Action.

It is also to be noted that the position illustrated in Fig. 10 is the position of the trunk lid locking device after the motor has been operated to unlatch the trunk lid latching mechanism. Thus, from the position shown in Fig. 10, the rotary gear segment 48 would be moved back in the clockwise direction and would not cause shifting to the locked position. Indeed, as pointed out previously, the rotation of the gear 48 resulting from operation of the motor 45 never shifts the open link 26 from the UNLOCK position to the LOCK position or the N position. Rather, the rotation of the rotary gear segment 48 resulting from operation of the motor 45 unlatches the latch mechanism by temporarily shifting the link 26 to the right.

In addition to this distinction, Claim 24 which has been amended to include the subject matter recited in Claim 21 and has also been amended to recite, in a manner similar to Claims 22 and 23, that the open link is shiftable between the

unlocked position and the locked position independent of rotation of the inside lever.

As pointed out above, such is not disclosed in *Mitsui*.

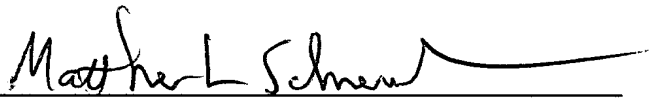
It is believed that the claims in this are in condition for allowance and such action is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully request that he be contacted at the number indicated below.

Respectfully submitted,

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